

assigned to the professional, or “P,” ERG, and two positions assigned to the “A,” ERG. Hedden contended that her position should be reclassified as Chief of Operations, Treasury. Agency Services determined that her position was properly classified as Assistant Chief of Operations, Treasury.

Silvestri’s permanent title at the time she filed for classification review was Program Technician. Silvestri indicated on her PCQ that she supervised one Program Technician, two Technical Assistant 1s, Treasury, and one Senior Clerk. Silvestri asserted that her position should be reclassified as Supervisor Information Recording and Control, Treasury, which is assigned to the “S” ERG. Agency Services determined that Silvestri’s assigned duties and responsibilities are properly classified by the title Program Technician. Valte’s permanent title at the time she filed for classification review was Program Specialist 3, which is assigned to the “R” ERG. Valte indicated on her PCQ that she supervised the Program Technician position encumbered by Silvestri. Valte contended that her position would be properly classified as Administrative Analyst 4, a title which is assigned to the “R” ERG. Agency Services determined that Valte’s position was properly classified by the title Program Specialist 3.

The primary issue with the matters of Hill, Silvestri and Valte is the consistency of assignment within proper ERG, and the issue with Hedden is consistency of classification across units. Each of these positions are assigned to the Division of Revenue and Enterprise Services, Enterprise Revenue-Processing Operations. Hedden’s position is assigned to the Data Conversion and Control Unit, while the remaining positions are in the Revenue Accounting unit.

On appeal, Hill asserts that she supervises a Technical Assistant 1, Treasury, a Technical Assistant 2, Treasury, and a Technical Assistant. She also states that she supports and mentors the Technical Assistant 1, Treasury in his role as a supervisor of another Technical Assistant.

Hedden states that she is responsible for the management of all work within the Data Conversion and Control bureau, which includes managing all work programs, control over all operations, and control over bureau staff. Hedden highlights her various duties and provides a letter of support from Stephen Crescenzi, Assistant Director.

Silvestri presents that she directly supervises two lower-level supervisors, another Program Technician and a Technical Assistant 2, Treasury. However, at the time she submitted her PCQ, Silvestri explains that the Technical Assistant 2, Treasury was serving in an acting capacity and his position was subsequently reclassified. Silvestri details her duties and maintains that she performs the duties indicated in the job definition for Supervisor, Information Recording and Control, on a daily basis. Additionally, Silvestri states that the prior Supervisor, Information

Recording and Control was awarded that title as a result of a classification appeal in 2010 and that the duties of the position have not changed since that time.

Valte states that she previously submitted a request to have her position reclassified as Administrative Analyst 4, but that request was denied based on the employees she was supervising. However, at that time, her position was reclassified as Program Specialist 3. Valte maintains that given the work of the employees that she oversees, the Program Specialist 3 title is not appropriate for her position. Valte further states that she is the PAR rater for Silvestri as well as an Administrative Analyst 3 she did not include on her PCQ. As such, she maintains that she is the reviewer for six PARS and that since she submitted her PCQ, she now has four lower-level supervisors under her charge. Valte provides letters from Crescenzi and the Chief, Revenue Accounting Bureau, in support of her appeal.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

Since October 2015, the Commission has upheld the classification standard that in order for a position to be classified in a title assigned the first-level or second-level employee relations group, incumbents are required to be the rater of employee, or subordinate-level supervisory employee, performance using a formal performance evaluation system. *See In the Matter of Alan Handler, et al.*, (CSC, decided October 7, 2015); *In the Matter of Marc Barkowski, et al.*, (CSC, decided October 19, 2016); and *In the Matter of David Bobal, et al.*, (CSC, decided November 23, 2016). In *In the Matter of Rosemary Lynn Gash, Office of Information Technology* (CSC, decided April 19, 2017), the Commission noted that Agency Services determined that the standard required to classify titles assigned to the primary level supervisory ERG is that position must supervise three or more lower-level employees, including the preparation and signing of their PARs.

Clearly, the purpose of the State's classification system is not to perpetuate misclassifications and the classification plan is not intended to limit an appointing authority's ability to organize its work force or supervisory structure as appropriate, so long as the designated titles are performing applicable in-title duties. However, a supervisor and a subordinate cannot hold titles that are both in the "R" ERG. *See In the Matter of Timothy Stewart* (CSC, decided February 26, 2014); *In the Matter of Veronica Rucker* (CSC, decided May 7, 2014); and *In the Matter of Jonah Kozma* (CSC, decided November 10, 2016). Similarly, an inappropriate reporting

relationship includes when titles are in the same class code. See *In the Matter of Celia D. Chee-Wah* (CSC, decided April 18, 2012); and *In the Matter of Joseph Stefanoni* (CSC, decided February 8, 2012).

In the instant matter, Agency Services found that Hill's position was properly classified as Technical Assistant 2, Treasury although she indicated on her PCQ that she supervises a Technical Assistant 2, Treasury and a Technical Assistant. 1, Treasury. However, Hill indicates in her appeal that a Technical Assistant also reports to her, which would give her the required number of subordinates to reclassify her position to Program Technician. The Commission disagrees. Initially, a supervisor and a subordinate cannot hold titles when they are both in the "R" employee relations group. See *In the Matter of Timothy Stewart* (CSC, decided February 26, 2014). In this case, the Program Technician and the Technical Assistant 2, Treasury titles are both assigned to the "R" ERG. Based on this alone, Hill's position cannot be reclassified to Program Technician. For the same reason, the fact that Hill, who is a permanent Technical Assistant 2, Treasury and supervises another incumbent in the Technical Assistant 2, Treasury title who evidently supervisor one Technical Assistant, is problematic. As such, Hill does not have responsibility to prepare and sign PARs for three *lower-level* employees. Simply reclassifying her position to a title that has a higher level of compensation but is also assigned to the "R" ERG, such as Program Technician, does not resolve this issue. Therefore, Hill's position would not be properly classified as Program Technician. However, the appointing authority is directed to ensure that her position is assigned the appropriate supervisory reporting relationships consistent with her permanent title of Technical Assistant 2, Treasury.

With respect to Hedden's position, the Data Conversion and Control Unit is one of four in the Division of Revenue and Enterprise Services, Enterprise Revenue-Processing Operations. Two of the other units are headed by Chief of Operations, Treasury and one is headed by a Supervisor of Information Technology, in the "R" ERG. Agency Services determined that Hedden's position oversees many employees (58 on the organizational chart) and is responsible for the staff of a unit or section of the bureau, and therefore is not properly classified as a Chief of Operations. The Commission disagrees. The definition section of the Chief of Operations, Treasury job specification indicates that this title is directly responsible for the management, supervision, and control of work programs, operations, and staff of a bureau or its organizational equivalent. The job definition section of the Assistant Chief of Operations, Treasury indicates that this title is directly responsible for the management, supervision, and control of work programs, operations, and staff of a unit or section of a bureau or its organizational equivalent. The job specification defines a Bureau as a group of employees performing closely related duties in one of the sub-elements of a division, such as Data Conversion and Control. Hedden supervises both primary and second level supervisory positions and has the overall responsibility for at least 58 employees in the Data Conversion and Control unit.

Therefore, Hedden's position should be reclassified as Chief of Operations, Treasury.

In response to Silvestri, her permanent title is Program Technician and the organizational chart indicates that she supervises a Program Technician. The Program Technician position Silvestri supervises, at the time of the classification appeal, did not supervise any subordinates. Additionally, the organizational chart indicates that a position classified as Technical Assistant 2, Treasury, which is also assigned to the "R" ERG, does not supervise any subordinate staff members. Valte, whose permanent title is Program Specialist 3, which is also assigned to the "R" ERG, supervises Silvestri's position. As noted earlier, a supervisor and a subordinate cannot hold titles when they are both in the "R" employee relations group. In the case of Silvestri, she supervises two incumbents in "R" ERG who, at the time of the classification review, did not supervise any subordinate staff. Therefore, since those positions do not supervise at least three lower level subordinates, they are technically misclassified. As such, Silvestri's position cannot be classified by title assigned to the "S" ERG. With respect to Valte, she seeks to have her position reclassified as Administrative Analyst 4, a title assigned to the "R" ERG. Thus, reclassifying Valte's current permanent title to another title assigned to the "R" ERG would not resolve her current inappropriate reporting relationship. Accordingly, Silvestri's position would not be properly classified as Supervisor Information Recording and Control, Treasury and Valte's position would not be properly classified as Administrative Analyst 4. However, the appointing authority is directed to ensure that the positions of Silvestri and Valte are assigned the appropriate supervisory reporting relationships consistent with their permanent titles.

ORDER

Therefore, it is ordered that the appeals of Jennie Hill, Elaine Silvestri and Maria Valte be denied. It is further ordered that the appeal of Maureen Hedden be granted and her position be reclassified as Chief of Operations, Treasury. Additionally, it is ordered that the appointing authority ensure that the positions of Jennie Hill, Elaine Silvestri, and Maria Valte are assigned the appropriate supervisory reporting relationships consistent with their permanent titles.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16TH DAY OF JANUARY, 2019

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